

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA,	:	
	:	93 Cr. 203-05 (LGS)
	:	
-against-	:	<u>ORDER</u>
	:	
CURT HERRERA,	:	
	:	
Defendant.	:	
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LORNA G. SCHOFIELD, District Judge:

WHEREAS, on December 22, 1993, a jury convicted Defendant on twenty-five counts for his role as a member of a racketeering enterprise that engaged in robbery, kidnapping, distribution of narcotics, threats of violence, arson and murder. On April 6, 1994, Defendant was sentenced to ten concurrent terms of life imprisonment and fifteen other terms of imprisonment ranging from five to thirty years;

WHEREAS, on December 1, 2023, Defendant filed motions for (1) a sentence reduction pursuant to Amendment 821 to the Sentencing Guidelines, which went into effect on November 1, 2023, and applies retroactively, and (2) appointment of counsel;

WHEREAS, on January 9, 2024, the Probation Department issued a Supplemental Presentence Investigation Report (“Supplemental PSR”), which concludes that Defendant appears to be ineligible for an adjustment of his Guidelines range based on Amendment 821;

WHEREAS, Defendant is ineligible for a “status point reduction” under the changes to U.S.S.G. § 4A1.1 because he did not receive an enhancement for committing these offenses while under a criminal justice sentence;

WHEREAS, Defendant does not meet the criteria to qualify for a “zero-point offender offense level reduction” pursuant to U.S.S.G. § 4C1.1(a)(3), (4) and (7) because Defendant used

violence or credible threats of violence in connection with these offenses, the offenses resulted in death or serious bodily injury and Defendant possessed a firearm in connection with these offenses;

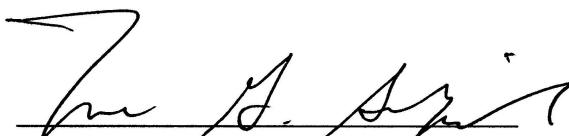
WHEREAS, the Court has considered the record in this case and agrees with the Supplemental PSR that Defendant is ineligible for an adjustment of his Guidelines range based on Amendment 821. It is hereby

ORDERED that Defendant's motion for a reduction of sentence is **DENIED**, and his motion for appointment of counsel is **DENIED** as moot.

The Clerk of the Court is respectfully directed to terminate the motions at Dkt. Nos. 250 and 251 and to mail a copy of this Order to Defendant at the following address.

Curt Herrera (Reg. No. 34429-054)
FCI Allenwood Medium
P.O. Box 2000
White Deer, PA 17887

Dated: May 22, 2024
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE